

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 03-_____

v. : DATE FILED: April 29, 2003

ANTHONY RODRIGUEZ : VIOLATIONS:

- : 18 U.S.C. § 924(c)(1) (carrying a firearm during and in relation to a drug trafficking crime - 1 count)
- : 21 U.S.C. § 841(a)(1) & (b)(1)(C)(distribution of phencyclidine ("PCP") – 1 count)
- : 21 U.S.C. §§ 860 & 841(a)(1) (distribution of phencyclidine ("PCP") within 1000 feet of a school – 1 count)
- : 21 U.S.C. § 841(a)(1) & (b)(1)(C)(possession with intent to distribute phencyclidine ("PCP") – 1 count)
- : 21 U.S.C. § 841(a)(1) & (b)(1)(C)(distribution of marijuana – 1 count)
- : 21 U.S.C. §§ 860 & 841(a)(1) (distribution of marijuana within 1000 feet of a school – 1 count)
- : 21 U.S.C. § 841(a)(1) & (b)(1)(C)(possession with intent to distribute marijuana – 1 count)
- : 18 U.S.C. § 922(g)(1) (felon in possession of a firearm - 1 count)
- : Notice of Prior Conviction
- : Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly carried a firearm, that is, a .380 caliber, Bryco Arms pistol, with serial number obliterated, loaded with 6 rounds of ammunition, during and in relation to a drug trafficking crime for which he may be prosecuted in a Court of the United States, that is, distribution of, and possession with intent to distribute, phencyclidine (“PCP”) and marijuana, in violation of Title 21, United States Code, Section 841(a)(1), as charged in Counts Two, Four, Five and Seven of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly and intentionally distributed a mixture or substance containing a detectable amount of phencyclidine (“PCP”), a Schedule III controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly and intentionally distributed a mixture or substance containing a detectable amount of phencyclidine (“PCP”), a Schedule III controlled substance, within 1000 feet of the real property comprising a public elementary school, that is, Potter-Thomas School, located at 6th Street and Indiana Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, a mixture or substance containing a detectable amount of phencyclidine (“PCP”), a Schedule III controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly and intentionally distributed a mixture or substance containing a detectable amount of
marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly and intentionally distributed a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, within 1000 feet of the real property comprising a public elementary school, that is, Potter-Thomas School, located at 6th Street and Indiana Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY RODRIGUEZ

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D), and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

ANTHONY RODRIGUEZ

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a .380 Caliber Bryco Arms pistol, with serial number obliterated, loaded with 6 rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF PRIOR CONVICTION

Defendant ANTHONY RODRIGUEZ committed the offenses charged in Counts 2,4,5 & 7 of this Indictment after having been convicted in a court of the Commonwealth of Pennsylvania of a felony drug offense, Delivery of a Controlled Substance, that is, cocaine base (“crack”), C.P. Phila. Cty. 0012-0713

NOTICE OF FORFEITURE (18 U.S.C. § 924(d))

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), as set forth in Counts One and Eight of this Indictment, the defendant

ANTHONY RODRIGUEZ

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

a) .380 Bryco Ams Pistol, serial number obliterated, loaded with 6 rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A True Bill:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY _____